

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ZHOUXIA TAN,
Plaintiff

V

**ALEJANDRO MAYORKAS, et al.,
Defendants**

C.A. No. 22-172 Erie

District Judge Susan Paradise Baxter

MEMORANDUM ORDER

On June 6, 2022, Plaintiff Zhouxia Tan, an adult resident of Erie County, Pennsylvania, initiated this action by filing a *pro se* complaint against Defendants United States Citizenship and Immigration Services (“USCIS”),¹ Alejandro Mayorkas, Secretary of the Department of Homeland Security (“Mayorkas”), and Merrick Garland, United States Attorney General (“Garland”), pursuant to the Immigration and Nationality Act of 1952, as amended, 8 U.S.C. §§ 1101, *et seq.*, the Administrative Procedures Act, 5 U.S.C. §§ 551, *et seq.*, and the mandamus statute, 28 U.S.C. § 1361.

Plaintiff, a native and citizen of the People’s Republic of China, alleges that Defendant USCIS has failed to adjudicate his I-730 Refugee/Asylee Relative Petition (“Petition”), which he filed on or around August 26, 2019. (*Id.* at ¶¶ 8-12). As a result, Plaintiff seeks declaratory and injunctive relief in the form of an Order declaring the USCIS’s failure to act on his petition unlawful and ordering the USCIS to adjudicate the Petition without delay.

On November 15, 2022, Defendants filed a motion to dismiss Plaintiff's complaint [ECF No. 8], claiming that the action should be dismissed as moot because Plaintiff's Petition was

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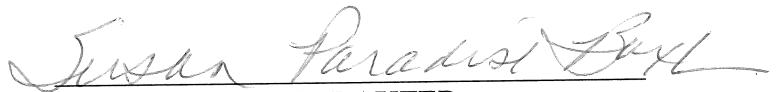
Due to an apparent clerical oversight, Defendant USCIS is not named in the caption of this action, but is the first named Defendant in the complaint (ECF No. 1, at ¶ 5).

approved on September 14, 2022. In support of their motion, Defendants have submitted a copy of Plaintiff's Petition that was stamped "Approved" by the USCIS on September 14, 2022 [ECF No. 9-1], along with a copy of a letter from the United States Attorney's office to Plaintiff, dated September 30, 2022, notifying Plaintiff of the Petition's approval [ECF No. 9-2].² Plaintiff has not filed any response to Defendants' motion. Nonetheless, in light of the approval of Plaintiff's Petition, which has been appropriately documented by Defendants, the Court agrees that Plaintiff's complaint should be dismissed as moot.

AND NOW, this 11th day of April, 2023,

IT IS HEREBY ORDERED that Defendants' motion to dismiss [ECF No. 8] is GRANTED and Plaintiff's complaint is DISMISSED as moot.

The Clerk is directed to mark this case CLOSED.


SUSAN PARADISE BAXTER
United States District Judge